



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 25, 2010

TO: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: Richard J. Bruckner
Director

SUBJECT: DEPARTMENT OF REGIONAL PLANNING: RESPONSE TO APRIL 27, 2010 BOARD MOTION, ITEM 6 – FEE REVISIONS

On April 27, 2010, on joint motion by Supervisors Antonovich and Knabe and amended by Supervisor Ridley-Thomas, your Board directed the Department of Regional Planning (DRP) to:

1. Prepare a comprehensive review of case processing, which includes:
 - Identifying specific timeframes for case processing, with performance metrics for processing land use approvals (conditional use permit, zone change, and subdivision cases);
 - Determining measures to streamline the process of compliance with the California Environmental Quality Act, particularly measures that will expedite Environmental Impact Reports when they are required for individual projects;
 - Documenting how DRP complies with the Permit Streamlining Act as it relates to “deeming applications complete” and specified case processing time limits, and a discussion of how to minimize reliance on processing time “waivers” from applicants;
 - Discussing possible means of expanding the Special Projects Section to process more of the larger projects, and how this vehicle can be used as a means of freeing up staff time to expedite the processing of more “routine” land use applications; and

- Providing better means of accounting of fees for those projects which are based on a “deposit” system, where staff bills their time against a project and the developer reimburses DRP, to ensure that applicants receive the service for which they are entitled.
2. Reach out to building industry representatives, consultants who regularly process applications (architects, engineers, and planning consultants), members of the public (town councils, civic and community groups) and environmental groups to solicit feedback concerning both the proposed processing improvements and the fee increases.
 3. Report back to the Board on the May 25, 2010 public hearing regarding the above-referenced items, including a comprehensive analysis justifying the proposed fee increase.

Background

In early 2009, the Chief Executive Office (CEO) directed all County departments including DRP to review existing fees to determine whether actual service costs are recovered appropriately by the fees in effect. For DRP this involved the review of the land development application processing fees. DRP conducted a comprehensive fee study. The analysis included review of the tasks and staff time it takes to process each type of application, and a comparative fee survey with other city and county jurisdictions that provide planning and land use services. The analysis revealed that 1) the actual cost for tasks required to process each application is not fully recovered by the existing fee structure, and 2) DRP does not charge a fee for a number of applications that require significant staff time to process.

Based on these findings, DRP presented to your Board a proposed fee package during the April 27, 2010 public hearing. Your Board introduced a motion directing DRP to conduct a more comprehensive review of case processing, with the objective of improvements to customer service.

In response to the Board's April 27th direction, staff is proposing a comprehensive 14-month process that will examine DRP's systems, procedures and organization with the objective of improving customer service, accountability and accuracy in the entitlement process.

Recommendations

1. DRP form a Stakeholder Committee charged with evaluating and addressing all of the items identified in the Board's April 27th action regarding a comprehensive review of case processing procedures;

2. Director of Planning work with the Auditor-Controller and the Chief Executive Officer to review DRP's existing development fee structure, cost accounting procedures, practices, and technology utilization; and develop enhancements through the use of eCAPS to ensure the appropriate coding and tracking mechanisms are in place to provide your Board and the public the necessary accountability between the revenues collected and costs the revenues are applied to;
3. Director of Planning report back to your Board on a quarterly basis on the findings of the Stakeholder Committee and effective accountability; and
4. Approve the proposed fees as originally presented to your Board during the April 27, 2010 public hearing and direct the Director of Planning to present a review of the fees based upon the Stakeholder Committee's recommendations and community input within 14 months.

Stakeholder Committee

DRP will convene a committee with representatives with technical knowledge, and will be charged with evaluating and addressing all the items listed in your motion related to a comprehensive review of case processing procedures. This will include a review of current DRP procedures, evaluation of best practices and new procedures establishing metrics for DRP case processing and a reporting mechanism. This may result in recommendations to amend County codes as well as suggestions for the development of interdepartmental processing procedures and chain of command agreements through the Planning and Land Management Solutions Phase II, if that Phase is approved by your Board.

Representatives invited to participate on the committee will include:

- Urban Land Institute
- Building Industry Association
- Environmental Groups
- Land Development Consultants
- County Representatives (County Counsel, Public Works, Fire Department, and representatives from other County departments involved in the land development process)

DRP recommends that the Stakeholder Committee be facilitated by a third party to ensure that the review of our case processing procedures is neutral and unbiased.

Community Review Process

As a part of the work program undertaken by the Stakeholder Committee, a series of community meetings will be held in strategic unincorporated areas selected with assistance from the Board. The community input will assist in informing the Stakeholder Committee in making process recommendations. A full report will be provided to the Board regarding the community input.

Fees

The proposed fee structure presented to your Board on April 27th is based on a detailed and complete analysis of the review process. The Auditor-Controller reviewed DRP's analysis and confirmed that the proposed fee changes are consistent with the actual costs of application processing. Specifically, the analysis considered all tasks associated with processing each application from counseling and application intake to finalizing the case either administratively or after a public hearing. A time was then estimated for each task based on an "average" case. The attachment details two permits - Conditional Use Permit (existing fee) and Discretionary Site Plan Review (new proposed fee) - which were used as samples to demonstrate how new regulations within the last five years have caused an increase in processing time. The analysis confirmed that the length of time to review an "average" case today, in comparison to five years ago when the current fees were adopted, has increased substantially. In addition, the staff salary and employee benefit costs have increased 27 percent over the last five years; these costs are not included in the current fee structure.

During the past five years, a number of new ordinances and State mandates have been enacted that have significantly added to the time it takes DRP to process ministerial and discretionary land use applications. During this period, 30 new subdivision and zoning ordinance amendments have been adopted which have added additional layers of requirements and regulations to the process and have significantly increased the complexity and review time of each application. Improvements in providing information to the public and enhancing communication technology have also increased the staff hours required to prepare for and conduct public hearings.

The majority of land use applications received by DRP are for properties located within a Community Standards District (CSD); currently there are 26 CSDs within the unincorporated areas of Los Angeles County. Each CSD is unique in scope and therefore, development standards differ considerably for each CSD. This adds time and complexity to DRP's review. These CSDs have added additional communitywide, zone specific and area specific regulations, design guidelines, landscaping requirements, and at times, specific permitting requirements.

The majority of projects are also subject to the Green Building Program. This includes ordinances related to Green Building, Drought-Tolerant Landscaping and Low Impact Development requiring a coordinated effort between DRP, Public Works, and the applicant to ensure compliance which also further extends the review time.

Conditional Use Permits (CUP) are the most common discretionary permits processed by DRP. On the average, an additional 27.5 hours of staff time is needed today to process one CUP, as compared to five years ago. Additional land use regulations including ordinance and plan review, initial California Environmental Quality Act review, site visit and analysis, neighborhood analysis which also affect other County departments such as Public Health and Public Works, contribute to the extended time it takes DRP to complete its review.

DRP acts as the clearing house for development projects where a discretionary land use entitlement is needed. In 2009, new State water system regulations went into effect. These new regulations have made the review of projects where water is a concern, or for projects that require private water or waste treatment systems, a significantly more extensive analysis. The added complexity affects the time for planners to research and understand the technical details of the project to a level where the information can be communicated effectively in the form of a logical recommendation to the Hearing Officer or Planning Commission. DRP, in its coordinating role with other agencies must also spend additional time developing conditions that satisfy all County departments' requirements. This often requires additional meetings with other County departments to discuss and resolve issues, synthesize information, and internally review documents. Administrative projects including Site Plan Review and other applications which are reviewed by staff and do not involve a public hearing have experienced the same increase in processing time.

Quality of life issues have become of significant concern to communities and other special interest groups as well as government. As a result, public hearings that relate to land use and the community setting have become generally more contentious than in the past and the types of cases that generate considerable public input are no longer limited to large scale developments. Smaller projects that in the past may not have raised major concerns with community or interest groups have become more complex, which adds to the time it takes staff to respond to concerns and communicate these concerns to the Hearing Officer or Planning Commission. This can also be seen by the increase in the number of appeals. It is not uncommon for what used to be routine projects to now go before your Board on appeal. As a result of these changes over the past five years, development has become more challenging.

Permitting and Land Management Solutions (PALMS)

On January 6, 2009, your Board approved an agreement with Woolpert, Inc. to assist the County in undertaking a Feasibility and Requirements Study for permitting and land

management functions. The purpose was to review the current business processes, analyze the organization structures, and to identify opportunities to improve effectiveness and efficiency and customer service. This effort is known today as the PALMS (Permitting and Land Management Solutions) project.

PALMS, Phase I was completed and the final report was released earlier this month. We are now in the process of identifying and considering funding and implementation options for Phase II. Some of the issues that will be addressed in Phase II include improvements in land development processes as well as revenue collection, and accounting practices. The proposed Stakeholder Committee, fee structure and accounting process review outlined in this memo are consistent with the recommendations of PALMS, Phase II.

Because PALMS, Phase II will address the items identified in your motion, DRP recommends that Woolpert, Inc. be the third party to facilitate our proposed Stakeholder Committee. Retaining Woolpert, Inc. to assist us on this effort is an effective and cost-savings decision. DRP anticipates completing this comprehensive review in approximately 14 months. Woolpert, Inc. will produce a final report with recommendations to increase effectiveness and efficiency and improve customer service. DRP will report back to your Board with a final report and recommendations for your review and consideration.

If you or your staff have questions or need further information, please contact me at 213-974-6401 or rbruckner@planning.lacounty.gov.

RJB:DS:AO:emc

Attachment

c: Chief Executive Officer
Executive Officer, Board of Supervisors
Planning Board Deputies
County Counsel
Auditor-Controller
Director, Public Works
Chief, Fire Department

Name of Fee: Conditional Use Permit - Existing Fee

Division/Section: Current Planning/Zoning Permits

***Bold Language indicates new task components**

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Case intake meeting, application review, ordinance and plan review , KIVA data entry, document and file maintenance, process payment, notes to file	PRPA,SRPA & RPAIL	0.75	0.25	1.00
	CLERICAL, LDCC	0.50		0.50
Conduct initial review, initial CEQA review , prepare incomplete letter, notes to file	PRPA	1.75	0.75	2.50
Prepare agency consultations (increased number) , notes to file	PRPA	1.25	0.25	1.50
Route agency consultations , mail, data entry, notes to file	CLERICAL	0.50		0.50
Review plan revisions , agency consultation letters, consultations with applicants, notes to file	PRPA	1.00	1.00	2.00
	CLERICAL	0.50		0.50
Assign case, conference with case planner, notes to file	SUPV	0.25		0.25
	PRPA,SRPA & RPAIL	0.50		0.50
Conference with applicant, notes to file	PRPA,SRPA & RPAIL	1.00		1.00
Conduct field investigation, travel coordination, travel time, site visit and analysis, neighborhood analysis , photography/video, meeting with applicant, notes to file, etc.	PRPA,SRPA & RPAIL	2.50	0.50	3.00
	CLERICAL	0.50		0.50

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Research and in-depth evaluation, review prior case history, code and plan analysis , zoning enforcement consultation; coordination with ABC, sheriff, forester, animal control, health services, public works ; applicant, architect consultations, review revised plans/documents, studies, file retrievals, etc., Notes to file	PRPA,SRPA & RPAII	5.00	3.00	8.00
	PRPA,SRPA & RPAII	0.50		0.50
	CLERICAL	0.25		0.25
Prepare draft staff report, findings and conditions . Prepare CE memo. Consultation with supervisor, applicant	PRPA,SRPA & RPAII	4.00	2.00	6.00
	SUPV	0.60		0.60
	CLERICAL	0.50		0.50
Review and revise draft staff report, findings, conditions , consultation with supervisor, applicant	PRPA,SRPA & RPAII	0.25		0.25
	SUPV	0.75	0.50	1.25
Prepare public hearing notice	PRPA,SRPA & RPAII	0.25		0.25
Review public hearing notice	SUPV	0.25		0.25
Revise public hearing notice	PRPA,SRPA & RPAII	0.50		0.50
Prepare factual	PRPA,SRPA & RPAII	0.30		0.30
Review factual	SUPV	0.25		0.25

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Revise factual	PRPA,SRPA & RPAIL	0.25		0.25
Prepare library hearing transmittal package, copy, mail, notes to file	CLERICAL	3.00		3.00
Transmit hearing notice to newspapers, notes to file	CLERICAL	0.50		0.50
Receive, review and post hearing notice package online	ISAI & ISAIL	1.00		1.00
Communication/Coordination: Respond to general public inquiries, phone calls, e-mails , mail, faxes, meetings , notes to file, etc.	PRPA,SRPA & RPAIL	2.00	2.00	4.00
	CLERICAL	0.50	0.50	1.00
Conference with staff, pre-hearing (case planner, supervisor, county counsel, revisions, notes to file)	PRPA,SRPA & RPAIL	0.75	0.25	1.00
	SUPV	0.75	0.25	1.00
Conference with applicant, pre-hearing (planner, supervisor, applicant, revisions, notes to file)	PRPA,SRPA & RPAIL	0.75	0.25	1.00
	SUPV	0.50	0.25	0.75
Consultation with applicant regarding posting of Hearing Notice sign, notes to file	PRPA,SRPA & RPAIL	0.50		0.50
Final review of staff report and hearing package	PRPA,SRPA & RPAIL	0.25	0.25	0.50
	SUPV	0.75	0.25	1.00
Transmit hearing notice package	PRPA,SRPA & RPAIL	0.25		0.25
	CLERICAL	3.00		3.00

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Review of project by Hearing Officer, site visit, prepare for hearing, notes to file	HEARING OFFICER	3.00	1.00	4.00
Prepare public hearing presentation	PRPA, SRPA & RPAIL	2.50	0.50	3.00
Prepare display maps	GIS, RPA II	0.00	3.00	3.00
	GIS, SENIOR RPA	0.00	1.00	1.00
Prepare public hearing presentation production	ISAI & ISAIL	0.00	1.00	1.00
	GIS, RPA II	0.00	3.00	3.00
	GIS, SENIOR RPA	0.00	1.00	1.00
Attend and conduct public hearing (GIS staff now attend). (One hour assumed for avg. hearing.)	PRPA, SRPA & RPAIL	1.00		1.00
	SUPV	1.00		1.00
	HEARING OFFICER	1.00		1.00
	GIS, SENIOR RPA	0.00	1.00	1.00
	ISAI & ISAIL (2X1)	0.00	2.00	2.00
	CLERICAL (2x1)	2.00		2.00
Debriefing, post-hearing, post-production, notes to file	PRPA, SRPA & RPAIL	0.50		0.50
	SUPV	0.40		0.40

Attachment

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Debriefing, post-hearing, post-production, notes to file. (Cont'd)	CLERICAL	0.50		0.50
	ISAI & ISAI	0.00	1.00	1.00
	GIS, RPA II	0.00	0.50	0.50
Prepare final findings and conditions	PRPA,SRPA & RPAIL	0.75	0.25	1.00
	SUPV	0.50		0.50
Revise final findings and conditions (per supervisor or county counsel)	PRPA,SRPA & RPAIL	0.25		0.25
	SUPV	0.25		0.25
Prepare final letter package (draft, review, revisions, notes to file)	PRPA,SRPA & RPAIL	0.25		0.25
	SUPV	0.25		0.25
Review final letter package for signature	SUPV	0.50		0.50
Transmit final letter package (copy, distribute, data entry, enforcement file, notes to file)	CLERICAL	2.00		2.00
	CLERICAL, ENFORCE	1.00		1.00
Approve Exhibit A, review revised plans, accept affidavit, notes to file	PRPA,SRPA & RPAIL	1.00		1.00
Accept fee payment and process, data entry, notes to file	PRPA,SRPA & RPAIL	0.25		0.25
	CLERICAL	0.25		0.25

Task	Position	Hours to Complete Task in 2005	Hours Associated with Additional Work	Current Total Hours
Close file, transmit signed plans to building/safety, scan plans and documents, notes to file	CLERICAL	1.00		1.00
	Total Hours	59.30	27.50	86.80

Name of fee: Discretionary Site Plan Review – New Fee
Division/Section: Land-Use Regulation LDCC/Field Offices

Task	Position	Hours
Counseling (counter or phone)—looking up GIS , applicable regulations in Title 21 & 22 and CSD/special district/policy memos , determining applicability of Green Program searching case history, pulling case files, make copies for public, communicating findings with public	RPAll, SRPA & PRPA	30 minutes
Review application submittal—ensuring appropriate case is being filed, taking in the case, taking in the fee, ensuring a complete submittal, reviewing each document against checklist, ordering old files, consulting with other Section Heads and/or other sections	RPAll, SRPA & PRPA	1 hour
KIVA data entry —creating a case, put in fee information, updating with new submittals, correspondence and activities, checking for violations, searching for previous and concurrent projects	RPAll, SRPA & PRPA	1 hour
Review plans—reviewing site plans and all submitted material, reviewing applicable Titles 21 & 22 regulations, reviewing applicable CSD/special district/policy memos , discussing interpretations with Section Head, determining applicability of Green Program	RPAll, SRPA & PRPA	3 hours
Prepare correction letter(s)—drafting comprehensive letters itemizing missing documents and revisions needed to site plan/application, reviewing previous corrections for rechecks, providing copies of covenants/other documents	RPAll, SRPA & PRPA	1 hours
Filing and mailing correction letter(s)—mailing letters, ordering cases from off-site facility, filing/retrieving case files, updating KIVA , processing fees	CLERICAL	1 hour
Respond to questions/inquiries—meetings/phone conversations/email communications with applicants/management/Board/County Counsel/other County departments and discussing cases	RPAll, SRPA & PRPA	1 hour
Prepare findings —drafting findings to be reviewed and finalized by Section Head	RPAll, SRPA & PRPA	2 hours
Approve/deny application—preparing final statements, updating KIVA , mailing out plans to applicant and DPW	RPAll, SRPA & PRPA	30 minutes
Total Hours		11 hours